

Original

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Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FLORIDA CABLE
TELECOMMUNICATIONS ASSOCIATION,
INC., COX COMMUNICATIONS, GULF
COAST, L.L.C., et. al.

Complainants,

v.

GULF POWER COMPANY,

Respondent.

RECEIVED

OCT 17 2005

Federal Communications Commission
Office of Secretary

E.B. Docket No. 04-381

To: Office of the Secretary

Attn.: The Honorable Richard L. Sippel
Chief Administrative Law Judge

NON-BINDING PROFFER OF "FULL CAPACITY" POLE EVIDENCE

Gulf Power Company ("Gulf Power"), in accordance with the Presiding Judge's September 26, 2005 order (deadline amended by order of October 3, 2005), submits the following non-binding proffer of full-capacity pole evidence:

Osmose Audit

1. Introduction. Exhibits 1, 2 and 3, attached hereto, are examples of the evidence collected by Osmose depicting "full capacity" poles. Each exhibit contains, *inter alia*, (1) pole identification information, (2) photographs of the usable space on the pole, (3) identity of the CATV complainant attached, and (4) the existence of certain defined pole conditions.¹

¹ The conversion charts for the terms used to track the Osmose data is attached hereto as Exhibit 4. This same chart also is Appendix C to the Osmose Statement of Work (previously produced and submitted to the Court). Gulf Power is working with Osmose on a method of automatically converting the shorthand codes in the

2. Definition. The Osmose audit identified poles which could not host an additional pole attachment without make-ready (either rearrangement or change-out, neither of which Gulf Power is obliged to do). Specifically, the Osmose Statement of Work defined a "crowded" pole as follows:²

A "crowded" pole, for the purposes of this joint use physical audit only, is defined as: (1) a pole that has any NESC vertical clearance violation(s) between Gulf Power Company's transformers (30"), transformer bus conductors (40"), neutrals (40"), riser (40"), or outdoor lighting (12") to the highest attachment below Gulf Power Company, or any NESC mid-span spacing violation(s) (4"); or NESC clearance over roads and pedestrian accessible areas that would cause one of the above clearance violations if corrected; (2) a pole that cannot accept an additional pole attachment due to vertical clearances between Gulf Power Company's transformers (42"), transformer bus conductors (52"), neutrals (52"), risers (52"), or outdoor lighting (24") to the highest attachment.

Each of the poles depicted in Exhibits 1, 2 and 3, all of which host a complainant Cox Communications attachment, meet this definition.

3. Exhibit 1. The pole depicted in Exhibit 1 is at "full capacity" for any of the following reasons: (1) less than 52" power/communication separation; (2) less than 40" secondary/communication attachment; (3) less than 40" neutral/communication separation; and (4) less than 12" between attachments.

4. Exhibit 2. The pole depicted in Exhibit 2 is at "full capacity" for any of the following reasons: (1) less than 52" power/communication separation; (2) less than 42" transformer/attachment separation; (3) less than 40" secondary/communication separation; and (4) less than 40" neutral/communication separation.

crowded pole reports (taken from the Access data file) to the condition/measurement described, for ease of presentation at trial.

² As Gulf Power has explained *ad nauseum* in prior filings, there is no practical difference between the terms "crowded" (as used in the Osmose Statement of Work) and "full capacity" since "crowded" is defined in the Statement of Work to mean a pole that cannot host another attachment without rearrangement or change-out.

5. Exhibit 3. The pole depicted in Exhibit 3 is at "full capacity" for any of the following reasons: (1) less than 52" power/communication separation; (2) less than 40" secondary/communication separation; (3) less than 40" neutral/communication separation; (4) less than 12" between attachments.

Knology Make-Ready


6. Introduction. Exhibits 5 and 6, attached hereto, are examples of make-ready files prepared by Gulf Power crews and/or subcontractors performing the make-ready work for Gulf Power during the Knology build-out project of 1998-2002 in the Panama City area (mostly Comcast territory). These reports detail the exact number of "full capacity" poles with CATV attachments in the area covered by a particular work order.

7. Exhibit 5. The make-ready file attached as Exhibit 5 bears the work order number K-42 and demonstrates that 17 out of 72 poles required make-ready on poles which also hosted CATV attachments. Pages 17 through 18 contain a pole-by-pole description of the specific pole, work performed, and relevant CATV attachments on "full capacity" poles. This file was prepared by a Gulf Power crew.

8. Exhibit 6. The make-ready file attached as Exhibit 6 bears the work order number K-85 and demonstrates that 43 out of 200 poles required make-ready on poles which also hosted CATV attachments. Pages 17 through 21 and pages 23 through 26 contain a pole-by-pole description of the specific pole, work performed, and relevant CATV attachments on "full capacity" poles. This file was prepared by Utility Consultants, Inc., a make-ready contractor.

9. Relevance. The information contained in Exhibits 5 and 6 is a snapshot of the pole conditions at the time of the Knology build-out. At the time Knology sought to attach, these poles were at "full capacity" (otherwise, make-ready would not have been required). The

Knology make-ready files also demonstrate the nature and scope of make-ready work performed on "full capacity" poles with CATV attachments in the Panama City area.



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Counsel for Respondent

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Non-Binding Proffer Of "Full Capacity" Pole Evidence has been served upon the following by Electronic Mail and by United States Mail on this the 17th day of October, 2005:

Lisa Griffin Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554 Via E-mail	Shiela Parker Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554 Via E-mail
Rhonda Lien Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554 Via E-mail	Marlene H. Dortch, Secretary Federal Communications Commission Office of the Secretary 445 12th Street, SW Washington, D.C. 20554
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Director, Division of Record and Reporting Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, Florida 32399-0850	Federal Energy Regulatory Commission Docket Room 1A-209 888 First Street, NE Washington, D.C. 20426
John D. Seiver Geoffrey C. Cook Rita Tewari COLE, RAYWID & BRAVERMAN 1919 Pennsylvania Avenue, N.W. Suite 200 Washington, D.C. 20006 Via E-mail	John W. Berresford Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554


OF COUNSEL

EXHIBIT 1

Crowded poles report

<i>ID_NUMBER</i>	312_579
<i>GPS_LOC</i>	1148113.255165,- 533884.099500
<i>INSP_DATE</i>	4_18_05 4:38:05 PM
<i>POLE_CLASS</i>	5
<i>POLE_HGHT</i>	40
<i>POLE_TYPE</i>	Wood
<i>IMAGE1</i>	312_10650503_0016.JPG



IMAGE2

<i>POLE_ID</i>	312_579
<i>OWNER</i>	COX
<i>TYPE</i>	catv
<i>PWR_COM_CP</i>	Yes
<i>SL_ATT_CP</i>	Yes

XFR_ATT_CP	No	
SEC_COM_V	Yes	
NEUT_COM_V	Yes	
GUY_COM_V	No	
RISR_COM_V	No	
SL_ATT_V	Yes	
XFR_ATT_V	No	
BTWN_ATT_V	Yes	
MD_ATT_V	No	
MD_PWRAT_V	No	
DOT_ROAD_V	No	
ROAD_V	No	
PEDEST_V	No	
STRUCT_V	No	
GUY_ANCH_V	No	
ATT_BOND_V	No	
NUM_MAIN	1	
MAIN_HGT	274	
MAIN_MDHGT	217,248	
NUM_DROP		1
DROP_HGT	215,273,291	
DROP_MDHGT	196,180,202,240	
NUM_AMP		0
AMP_HGT		
NUM_RISER		0
RISER_HGT		
NUM_PED		0
NUM_TERM		0
TERM_HGT		
NUM_XARM		0
XARM_HGT		
NUM_EXTARM		0
EXTARM_HGT		
OVERLASH	No	

NUM_OVRLSH

0

EXHIBIT 2

Crowded poles report

ID_NUMBER 312_498
GPS_LOC 1150415.895151,
534478.924370
INSP_DATE 4_16_05 11:49:43 AM
POLE_CLASS 4
POLE_HGHT 40
POLE_TYPE Wood
IMAGE1 312_10550802_0025.JPG



IMAGE2

POLE_ID 312_498
OWNER COX
TYPE catv
PWR_COM_CP Yes
SL_ATT_CP Yes

NUM_OVRLSH

0

XFR_ATT_CP	Yes	
SEC_COM_V	Yes	
NEUT_COM_V	Yes	
GUY_COM_V	No	
RISR_COM_V	No	
SL_ATT_V	No	
XFR_ATT_V	No	
BTWN_ATT_V	No	
MD_ATT_V	Yes	
MD_PWRAT_V	No	
DOT_ROAD_V	No	
ROAD_V	No	
PEDEST_V	No	
STRUCT_V	No	
GUY_ANCH_V	No	
ATT_BOND_V	No	
NUM_MAIN		0
MAIN_HGT		
MAIN_MDHGT		
NUM_DROP		0
DROP_HGT	284	
DROP_MDHGT	178,245	
NUM_AMP		0
AMP_HGT		
NUM_RISER		0
RISER_HGT		
NUM_PED		0
NUM_TERM		0
TERM_HGT		
NUM_XARM		0
XARM_HGT		
NUM_EXTARM		0
EXTARM_HGT		
OVERLASH	No	

EXHIBIT 3

Crowded poles report

ID_NUMBER 312_594
GPS_LOC 1147991.254294,-
534942.582646
INSP_DATE 4_19_05 8-05-12 AM
POLE_CLASS 5
POLE_HGHT 40
POLE_TYPE Wood
IMAGE1 312_10350429_0009.JPG

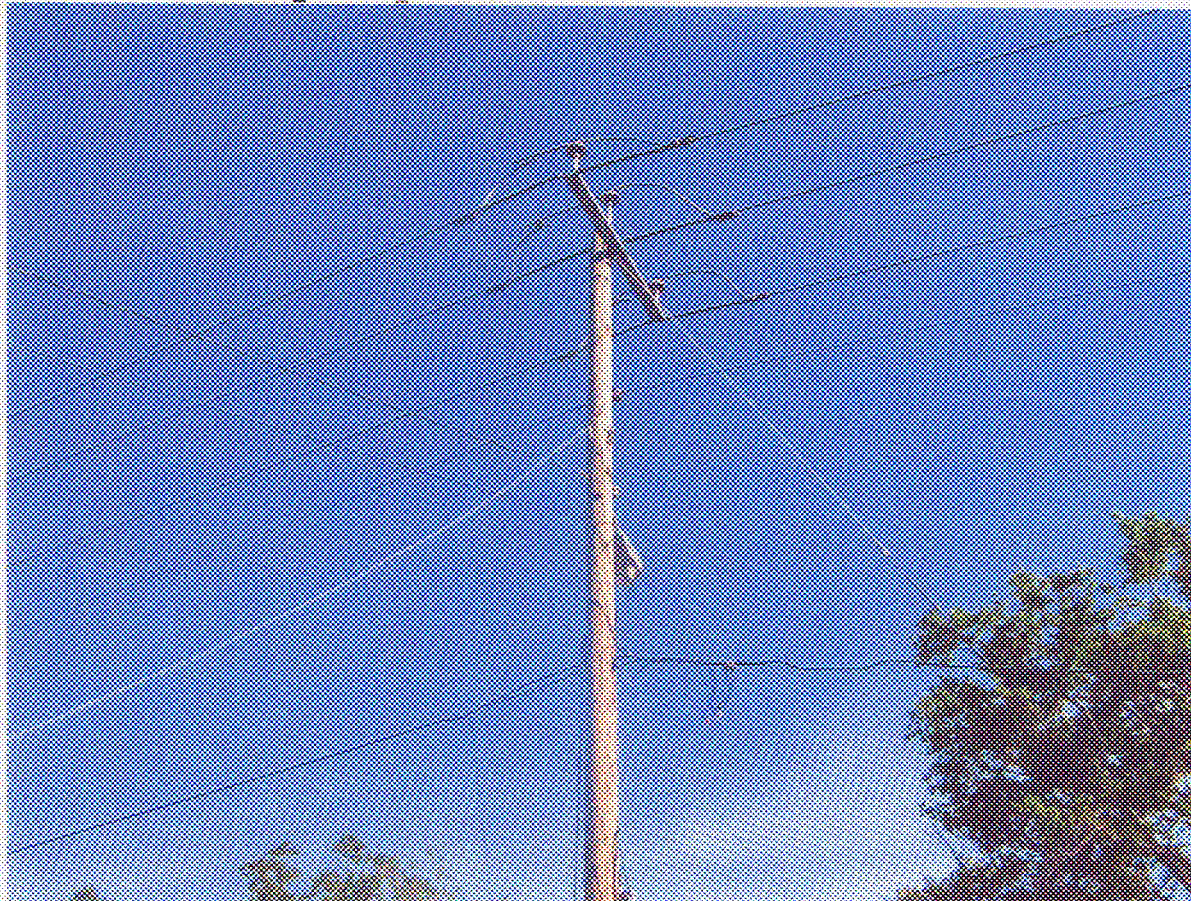


IMAGE2 312_10350429_0010.JPG



<i>POLE_ID</i>	312_594
<i>OWNER</i>	COX
<i>TYPE</i>	catv
<i>PWR_COM_CP</i>	Yes
<i>SL_ATT_CP</i>	Yes
<i>XFR_ATT_CP</i>	No
<i>SEC_COM_V</i>	Yes
<i>NEUT_COM_V</i>	Yes
<i>GUY_COM_V</i>	No
<i>RISR_COM_V</i>	No
<i>SL_ATT_V</i>	Yes
<i>XFR_ATT_V</i>	No
<i>BTWN_ATT_V</i>	Yes
<i>MD_ATT_V</i>	Yes
<i>MD_PWRAT_V</i>	No

DOT_ROAD_V	No	
ROAD_V	No	
PEDEST_V	No	
STRUCT_V	No	
GUY_ANCH_V	Yes	
ATT_BOND_V	No	
NUM_MAIN	1	
MAIN_HGT	233	
MAIN_MDHGT	206,180	
NUM_DROP		2
DROP_HGT	278,268	
DROP_MDHGT	225,204,180	
NUM_AMP		0
AMP_HGT		
NUM_RISER		0
RISER_HGT		
NUM_PED		0
NUM_TERM		0
TERM_HGT		
NUM_XARM		0
XARM_HGT		
NUM_EXTARM		0
EXTARM_HGT		
OVERLASH	No	
NUM_OVRLSH		0

EXHIBIT 4

Appendix C

Access Deliverable Format

TABLE NAME	COLUMN NAME	FIELD NAME
Pole	ID Number	ID_NUMBER
	GPS Location	GPS_LOC
	Date/time of Inspection	INSP_DATE
	Pole class	POLE_CLASS
	Pole height	POLE_HGHT
	Pole type	POLE_TYPE
	Measurements:	
	From ground to secondary (pole)	SEC_HGT
	From ground to neutral (pole)	NEUT_HGT
	From ground to span guy (pole)	GUY_HGT
Attachment	From ground to secondary (mid-span)	MIDSEC_HGT
	From ground to neutral (mid-span)	MIDNEU_HGT
	From ground to span guy (mid-span)	MIDGUY_HGT
	From ground to transformer can	XFR_HGT
	From ground to street light drip loop	SLDRIP_HGT
	From ground to top of riser	RISER_HGT
	Image1 file name	IMAGE1
	Image2 file name	IMAGE2
	Pole ID number	POLE_ID
	Owner	OWNER
	Type	TYPE
	Less than 52" power/communication separation	PWR_COM_CP
	Less than 24" street light drip loop/attachment separation	SL_ATT_CP
	Less than 42" transformer/attachment separation	XFR_ATT_CP
	Less than 40" secondary/communication separation	SEC_COM_V
	Less than 40" neutral/communication separation	NEUT_COM_V
	Less than 40" span guy/communication separation	GUY_COM_V
	Less than 40" riser/communication separation	RISR_COM_V
	Less than 12" street light drip loop/attachment separation	SL_ATT_V
	Less than 30" transformer/attachment separation	XFR_ATT_V
	Less than 12" between attachments	BTWN_ATT_V
	Less than 4" mid-span vertical spacing between attachments	MD_ATT_V
	Less than 30" mid-span power/attachment separation	MD_PWRAT_V
	Less than 18' clearance over DOT roadway	DOT_ROAD_V
	Less than 15'5" clearance over roadway	ROAD_V
	Less than 9.5' clearance to pedestrian accessible area	PEDEST_V
	Less than 3' clearance over structure	STRUCT_V

	Less than 4' anchor separation between down guys	GUY_ANCH_V
	Attacher's vertical ground not bonded to Gulf Power ground	ATT_BOND_V
	Number of main line cable attachments	NUM_MAIN
	Height of main line cable attachment(s)	MAIN_HGT
	Mid-span height of main line cable(s)	MAIN_MDHGT
	Number of service drop attachments	NUM_DROP
	Height of service drop attachment(s)	DROP_HGT
	Mid-span height of service drop(s)	DROP_MDHGT
	Number of amplifier attachments	NUM_AMP
	Height of amplifier attachment(s)	AMP_HGT
	Number of riser attachments	NUM_RISER
	Height of riser attachment(s)	RISER_HGT
	Number of pedestal attachments	NUM_PED
	Number of termination box attachments	NUM_TERM
	Height of termination box attachment(s)	TERM_HGT
	Number of crossarm attachments	NUM_XARM
	Height of crossarm attachment(s)	XARM_HGT
	Number of extension arm attachments	NUM_EXTARM
	Height of extension arm attachment(s)	EXTARM_HGT
	Over-lashing	OVERLASH
	Number of overlashed cables	NUM_OVRLSH

EXHIBIT 5

K-42

Note: prepared by Gulf Employees

Job Estimating & Tracking
System - JETS

GULF Power Company
Distribution Working Estimate
Type Construction: OVERHEAD

Date: 02-NOV-1998 02:23 PM

Customer: PANAMA CITY OFFICE
Address: KNOLOGY K42
Town: 19TH ST AND RHODE ISLAND AVE
PANAMA CITY

W.O.: 0015000 21665
P.E.: 3403
Job Reference: 1210198
Job Type: C-03. TELE/CATV REQUEST

Type Customer: SYSTEM
Estimate Name: KNOLOGY K42
Engineer: MARTIN, ROBERT W.
Date Last Est: 02-NOV-98

Map Number: 2336

Job Order: ----

Job Description: MAKE READY FOR PERMIT K-42. BILL KNOLOGY FOR COST

Driving Instructions:

DRAFT

Permits/Notification(s): KNOLOGY CA COMCAST ENGINEER BELLSOUTH BELLSOUTH

Total Estimated External Charges Included Below: \$ 0

MANHOOURS	Onsite	Travel	Headquarters	Total
Company	239.51	0.00	0.00	239.51
Contractor	0.00	0.00	0.00	0.00
			Total Estimated	239.51

Labor Multiplier: 1.00 Comment:

Cost Summary	Plant	Transformer	Meters	Maint.	Removal	Total
Company Labor	3,081	0	0	5,309	1,208	9,598
Contract Labor	0	0	0	0	0	0
Company Matl.	3,048	0	0	0	0	3,048
Contract Matl.	0	0	0	0	0	0
Company Equip	0	0	0	0	0	0
Contract Equip	0	0	0	0	0	0
Engr Supv OH	1,838				362	2,200
Subtotal	7,967	0	0	5,309	1,570	14,846
Blanket						-39
Salvage	261	0	0	0	0	261
Total	7,706	0	0	5,309	1,570	14,546
Bill to Others						14,546
Total Net Cost:						0
Rate	Revenue	Total Ratio		0.00 ROE		.00
	Loc Cost	0 Local Ratio		0.00 Net Present Val		

Approval & Signoffs:

Robert W. Martin 11-02-98

K-42

1

EXHIBIT B

APPLICATION FOR POLE ATTACHMENT PERMIT

PRIORITY #1

City of LYNN HAVEN
State of FLORIDA
County BAY
Date JULY 27, 1998

NAME OF LICENSEE : **KNOLOGY HOLDINGS OF PANAMA CITY INC.**

In accordance with the terms of Agreement dated **January 1, 1998**, application is hereby made for permit to make attachments to the following poles:

Location/ Pole No.	TLN Map No.	Location and Type of Attachments
# of Poles	Knology Map	
✓ 17	40 - 44	AREA NEAR 19 TH ST. & RHODE ISLAND AVE.
83	40 - 45	AREA NEAR S.R. 390 & 18 TH STREET
100	40 - 46	AREA NEAR 19 TH ST. & MICHIGAN AVE.

200 TOTAL ATTACHMENTS

TOTAL MILES 9.437

By: [Signature]
Title: CONSTRUCTION MGR.
Licensee

Permit granted _____, 19____, except is subject to Licensee's approval below if pole rearrangements are required. Estimated cost of pole rearrangements required to provide space for Licensee's attachments:

\$ 14,546 as shown on DSO No. 021665

GULF POWER COMPANY

By: _____
Title: _____
Licensor

The above charges for rearrangements approved

By: _____
Title: _____
Licensee

Permit No. K-42-98
Total Poles: 200

021665

K-42

Jets Job Work

Job Work Order #

021665

Ref: 1210198	Issued To: Robert Martin	Issued By:	Date: 11-02-98
Job Description (Customer): KNOLOGY K-42			Phone Number:
Driving Directions: 19TH ST # RHODE ISLAND MAP 2334 DISK 20			
Contact Info:			Phone Number:

Notifications:		Hold For:	
<input type="checkbox"/> Land Department	<input type="checkbox"/> Tree Trimmers	<input type="checkbox"/> Easement	<input type="checkbox"/> DOT Permit
<input type="checkbox"/> Marketing Department	<input checked="" type="checkbox"/> Telephone Company	<input checked="" type="checkbox"/> Billing	<input type="checkbox"/> RR Permit
<input type="checkbox"/> Meter Department	<input checked="" type="checkbox"/> CATV Company	<input type="checkbox"/> TLN/Cable Labeling	<input type="checkbox"/> Environmental Permit
<input type="checkbox"/> Trencher	<input type="checkbox"/> Grounds	<input type="checkbox"/> Other	<input type="checkbox"/> Staking
<input type="checkbox"/> Other			

Joint Use:			
Ticket #	Pole Owner	County	Place

	GUFREY	BAY	LYNN HAVEN
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Construction Type (T/N)		Priority (0-9)	
		4	
Job Steps	Co. ID	NP	Co. ID
Set Pole	GUFREY	11	
SPC Transfer	GUFREY	11	
Lower Attach	SBIREY	5	EC410 31
Reach Full Pole	3001	200	SBIREY 1
Transfer Other (N) pole	EC410	11	SBIREY 9
	GUFREY	11	EC410 5 SBIREY 5

Remarks:
WORK ON 33 POLES OUT OF 200. BILL KNOLOGY # 14546

MANHOURS: 240

Other Type Order

<input type="checkbox"/> NWR	<input type="checkbox"/> 80	<input type="checkbox"/> GWO	<input type="checkbox"/> CJO	<input type="checkbox"/> EST	<input type="checkbox"/> M1
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Additional Comments:

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